HE CLARION

OL. XLVI.

JACKSON, MISSISSIPPI, WEDNESDAY, JUNE 6, 1883.

No. 23.

Memphis, Ed. Garvin has been the Criminal Court, and found of gambling. A motion for a The N. O. & N. E. Railroad The al was overruled by Judge Greer. arvin was then sentenced to one the penitentiary and to pay a

earl River Improvement.

nteen thousand dollars of the genvernment appropriation are availthe improvement of Pearl river. Jackson, and we have the auof Maj. Amos Stickney, U. S. to whose direction the appropriathe river will be commenced this

New Orleans, in a business letter pleasure of being taken upon G. D. Bustamante last Friday, he following postscript: "I think that ever entered that embyro city, upon on the 26th of March, 1883.

Church Semi-Centennial.

ch was organized fifty years ago Zebulon Butler, D. D., will cele-Semi-Centennial on Sunday, h. The present pastor, Rev. D. ck, will give a history of the promises to be one of rare in-The Commencement exercises berlain-Hunt Academy will folng the next three days.

rmal College, Nashville.

e commencement exercises of Mackie, Water Valley; Messrs. ewart, Jackson; W. S. Graham. T. B. Kirk, Columbus; J. O. Iuka. There are now seven or olarships vacant for Mississip-

Tougaloo University.

nstitution for the training of ouths closed its most successon Thursday last, after a proof rare excellence in music, id orations. The chapel was e of his happiest talks. His ntgomery, D. R. Hearn and J. e Board of Visitors. There pupils in attendance last year.

Principle of Common Law.

ce-Personal Discomfort-A onal discomfort of the congreembers. In this case, on error, and Ohio Railroad Company Saptist Church, the Supreme the United States affirmed the Judge Field, in the opinion, That is a nuisance which annoys rbs one in the possession of his erty as not to injure others, ly other application or use of and powers conferred.

ale here laid down, that no man it to use his property to the another, if strictly observed, e a great deal of bad blood and

POPLARVILLE, MARION Co., MISS. May 19, 1883.

EDITORS CLARION: Upon the night of the 13th of May your correspondent boarded confided, that the work for that the Vicksburg & Meridian train at Jackson depot, and under the safe care of Conductor-he was in due time landed in Meridian; a good breakfast at the Raus-PLIMENTARY.—Col. Ed. Richard- DALE House put me in good traveling trim esident of the Cotton Exposi- for New Ellisville, to which place I had the

THE FIRST PASSENGER TRAIN

rticle opened the way for getting the New Orleans and North Eastern Bailosition here. We are going to road. The train consisted of two passenger win earnest." The article above coaches, a combined Baggage and Postal to was published by Capt. B. in | car and several freight cars; every one was Orleans Times-Democrat in ad- full, passenger coaches as well as freight of New Orleans against Louis. cars, a right good beginning for a new Railroad and a new town. Our train left Meridian at 814 o'clock in the morning, through the schedule says 71/2 o'clock, and arrived resbyterian church at Port Gib at New Ellisville at 11/2 o'c'ock P. M., passing over a magnificently built road bed, with very substantial bridges, many of them being iron, and the whole road laid with her two boys had been to Pass Christian, the heaviest of steel rails; when I think how with the wagon, and were that much ahead quick this work has been done it seems almost incredible; it has saved me those rom its beginning to date. The dreadful forty mile rides on horseback that I used to take from Shubuta to Ellisville. The distance to Ellisville is about 63 miles, and in the transit you pass through Lauderdule, Clarke, Jasper and Jones counties, entering the latter near "Erata." Several ppi Graduates at Peabody new towns have already sprung up on the new Bailroad, "Pachuta," "Vossburg," 'Heidelburg," "Sandersville" and New "Ellisville," but only Vossburg, Heidelege, May 30th, there were forty-burg' and Ellisville gave evidences of gen-tor down here told me that in 29 years exuntes of whom the following om Mississippi: Miss Tallula of which belongs to Capt. W. H. Hardy, I was surprised to find so many store houses creeted and so many merchants already in business, or getting ready to meet the large trade that is coming there. It is the trade that has heretofore gone to Shubuta, Waynesboro, Meridian, and Enterprise and built up and sustained those places so well. Now everything is changing out here, and the merchants of the towns upon the Mobile & Oaio Railroad so seriously affected by the construction of the new railroad, finding that they were losing trade, they have removed in whole or established branch stores at various points upon the

is only about three quarters of a mile from with a very attentive audience. a dozen old houses and the Court-house, the recent term of the circuit court for Galloway was present, and and is located upon a beautiful green knoll, and from the way the place is growing I think it is going to be a considerable village; it certainly has good prospects before it. I had no opportunity of obtaining the names of the firms doing business at the plan and they for perty offences only. Judge Mayers remarked that it was the pleasant-test court he had held in his whole District. With the exception that there are more wet lands—reed brakes, in Marion and Perry than in Jones, what I have said of Jones and from Shubuta, Meridian and other points on the M. S. O. Balkond. The business of the grant of the manuscript of the m greatly appreciated. Messrs, it certainly has good prospects before it. ntgomery, D. R. Hearn and J. had ne opportunity of obtaining the names of the firms doing business at the upper towns, but at Ellisville I did, and muong pupils in attendance last year, on the M. & O. Railroad. The business 194 were boarders. Board is firms of Ellisville, are B. DuBose, J. M. Bradley & Sons, Kelly & Miller, J. G. Weidellors per month; tuition from dollars per month; tuition from is to one dollar. The students a portion of this in labor. The five hundred acres is in a high cultivation. The best plows, and other implements are used.

Bradley & Sons, Kelly & Miller, J. G. Welborn & Co., N. B. Shelby, Jesse Myers, Champenois & Vanslyke, A. S. Johnson, and J. W. Pilgrim & Co., general merchants; Dr. W. A. Lee, and Dr. W. M. Peacock, each a drug store; John Ryan, confectionary; Derrick & Davis, restaurant; J. W. Barber, watchmaker. This is the showing that Ellisville makes already, besides two steam saw mills, cattle and swine is one of the makes already, besides two steam saw mills, and a steam gin and grist mill, and a brick ining features of Tougaloo. Stanley Pope, President, and the business. The railroad company, too, is nt corps of assistants, are doing about to build a fine large depot 45x117 feet.
Mr. DuBose, the rateling wide awake young merchant of Ellisville, the largest and oldest firm there, has not removed from the old to new Ellisville yet, but will soon as his store is finished. A hotel is wanted at Elfisville more than any other improvement is very plain in his dress and living, but has that I know of—a new church edifice having plenty of meat and corn. molasses, potatoes ce—Personal Discomfort—A strendy been erected, and a well kept hotel corporation recovered \$4,500 would do a good business at Ellisville. in an action for nuisance against Right in the midst of abundant supplies of d and repair shop, so con-beef, mutton, chickens, tarkeys, eggs, that the smoke and cinders honey, Louisiana syrup, rice, sweet potatoes, s rose and fell into the church sonal discomfort of the congrebe cast into Tallahala creek. It was really nd to the injury of the clothing amusing to see how the large number of pasembers. In this case, on error, sengers upon our train skirmished around to get something to eat and places to sleep. Having "a claim" upon a good fellow there, I put my name in the pot on my arrival, so I could not help commisserating with the other fellows who were left.

new road. By this proceeding they retain

their old trade and gain new custom, as the

NEW ELLISVILLE

THE ELLISVILLE EAGLE. To Dr. W. L. Lee, the indefatigable edion physically uncomfortable to damages will be given, and if uce is continuous an injuncted against the wrong doer. 2. Talk the wrong doer is authority was conferred by and Jones county are due as a real-size and Jones county are due to a size and Jones county r authority was conferred by er of the railroad company, it mpanied with the implied qualthat its works should not be so by their use to unreasonably with and disturb the peaceful ortable enjoyment of others in perty. The great principle of non law, which is equally the of Christian morality, so to use perty as not to injure others.

If any county of the State of Mississippi has been maligned and slandered more than

Correspondence of The Clarion.

The N. O. & N. E. Railroad—The Changes it is Bringing About in South-East Mississippi—New Ellisville, Its Business and Prospects—The Ellisville Eagle, Jones County in the South; cheap lands, easily cultivated and producing everything that People—Burrell Arington, the Great Stock Man—Poplarville and its Prospects—The Marion House.

Done County in the South; cheap lands, easily cultivated and producing everything that can be raised elsewhere in the State except when the found in the State except the clothing worn by the family. I saw a shawl of her make that would outlast a dozen bought in the stores. This family would interest some festive Metropolitau reporter immensely. ing of cattle and sheep with comparatively no expense; plenty of fine timber of all descriptions, principally long leaf pine; and the purest health invigorating atmosphere. I know of no reason why our restless emigrating population going west to encounter the porthers and deposits of the northers and drougths of Texas, or south east to tackle the sands, insects and het nights of Florida should not flock to Jones county, now that it is known to be no longer the jumping off place that many of us had been led to believe it was without seeing it. There is only one drawback to Jones county: the people are very primitive, and the majority illiterate, for education has had a very poor showing there on account of the sparcity of population and the limited pe-cuniary means of the people, but all this will improve with an increase of population and contact with the outside world, which the new milroad will being about for no the new railroad will bring about, for no greater aid to civilization exists than the railroad. There are thousands of people in South-east Mississippi who never saw railroad before, let alone ride upon one.

A WHITE MAN'S COUNTRY. This county had but 350 colored people in it to 8,469 whites, according to the census of 1880, just about one per cent. of the pop-ulation. A good woman living in this sec-tion told me that four of her six children had never seen a negro before the railroad hands came there grading through her farm; in information of their sisters. In Marion and Perry counties there are more colored people than Jones, but they reside in settle-ments of their own upon the rivers, so that the pine lands are emphatically and exclusively a white man's country, so well suited to Northern immigration.

AN HONEST PEOPLE. But if the people of that section of Mississippi are not up to the times and do not keep up with the fashions yet, and are not rich, they lament the want of schools and education as much as any one, and they have an established reputation for hosnonesty of the people of Jones—the story is that a bill was up for passage that Hon. Drury Bynum. Representative of Jones, thought would be a hardship upon his people because of their poverty, so he moved that Jones county be exempted from the provision of that bill Judge Coopwood of Aberdeen, rising in his seat desired to Coopwood, "I second the motion to exempt Jones county, for any people who are both poor and honest they are in a d-d bad From the sinous ways of the world many others than Judge Coopwood believe now as he did then. In proof of the continued good character of the people of Jones Jones, lasting five days only, only thirty two indictments were found by the grand jury and they for perty offences only. Judg

BURRELL ARINGTON.

One of the noted characters of South-east Mississippi, and whom I desire to speak of as representing many others down here, is Burrell Arring on, one of the largest land owners and stock growers in this section he owns over 5000 acres of land in Jasper Jones and Wayne counties, and more stock, cattle and sheep, than anybody in the above named three counties. He lost 600 head of marked 450 to 500 lambs last year,

Mr. Arrington was born in Jasper county, in 1818, and is therefore \$5 years of age He is a large stout man, over six feet high straight as an Indian, and weighs fully 200 pounds. Mr. Arrington has no education, can neither read nor write, but his wife has some education and upon her he depends to read his letters and do his writing. He plenty of meat and corn, molasses, potatoes of his own raising besides vegetable, milk and butter, yet with all his wealth of valua-ble lands and live stock, he is always saying Indians. that he fears being sent to the poor house. He has never been away from this section except to Mobile, driving his cattle, and once went to New Orleans. He is well known to cattle buyers and they come to buy of him every summer. He will not sell cows or heifers. At the surrender he had just seven bales of cotton to start upon again, then he moved from Jasper to Wayne county, be-tween Waynesboro and Ellisville, where he has lived ever since. He now speaks of moving to his mill. He has always been a good friend to poor people down in those counties, letting almost anybody have of his cows and sheep to raise on shares, and by which a large number of poor families make a good living out of his bounty. He is an inveterate smoker, takes his toddy when he feels like it, but likes wine, too, has some fine scuppenong vines in his yard and made much follow his example. native wine last year. The old man enjoys a good joke finely and is fond of relating his quaint observations. He is an unterrified Democrat of course.

He would rather drive cattle than do anything else, but owning a great deal of pine timber near Ellisville he put up a steam saw mill near there. He has men employed to manage it for him. He does not believe No better man could have been chosen. in the railrond—says it will destroy the fine range that he has had for his cattle for so many years, and if he was not so old he would move to a good range country where there was no railroad.

Mr. Arrington has a wife and three children, a married daughter and two boys-Jones county in the past then I pity it. For time immemorial Jones county has been represented as one of the poorest in her lands in the State, with a sandy soil fit only to produce sweet potatoes, fleas and gophera, but how contrary to truth. I have traversed Jones county in all directions and I venture

POPLARVILLE. After traveling on horseback for several days in Jones, Perry and Marion, frequently where there were no roads at all, my guide taking a bee-line through the open guide taking a bee-line through the open woods, I finally landed in the snug little hamler of Poplarville, named from Poplar croek, close by, Poplarville is 471 feet above the level of Lake Pontchartrain (so the R R engineer reports,) 75 miles by dirt road from Ellisville, 38 miles from Gains-ville, 50 miles from Pass Christian, and 40 miles from Columbia—by railroad it will be only 68 miles from New Orleans

only 68 miles from New Orleans.

The town is located in an old field, and already has made quite a good start. There ready has made quite a good start. There are twelve families living here, besides fifteen single men. The merchantile houses are Smith and Strahan & Brother, John I Moore, Loeb & Brunias, general stores; Peter J. Harvey, family grocer, and Smith and Moye—saloon;—the latter would compare well with a city bar. Besides these there is a good Painter, a Blacksmith and Wagon shop, and a steam Saw mill; one of the new store houses has a Town hall over head—here is also to be found a church edifice (used by Baprists and Methodists) in which Sabbath school is held every Sunday morning. A High school with three first class teachers, is to be established here in July next. July next.

Poplarville being so high above the level of the gulf and yet is so near it that there is a delightful breeze blowing here all the time, and it being so healthy, with the purest of drinking water, besides mineral springs, it is destined to become quite an springs, it is destined to become quite an attractive place as a summer resort, when the new railroad is finished to New Orleans. Then it is a good place to get something to eat and to do business—first the county is well supplied with good beef and mutton, white freah fish is brought here regularly from Pearl river, only 12 miles distant. Wild game is abundant in the woods, and the creeks are full of fish—vegetables and the creeks are full of fish-vegetables and grapes and fruit grow here almost s, antaneously. This is the centre of the wool in industry down here; they expect to handle 100,000 lbs of wool at Poplarville this year, 100,000 lbs of wool at Poplarville this year, money being furnished by New Orleans to buy the wool. Then a large amount of rice is the rough will be marketed here, while sweet potatoes will abound without end, this soil producing from 300 to 500 bushels an acre, and so with the Louisiana cane syrup; all these people have wanted before was access to market, which the new Railroad will now give them. So the lands are being bought up by people from Michigan, Minnesota, who are coming there to establish saw mills; they say our people do not know what a wealth of timber they have in this State, and what a desirable climate to

it is the universal name of Smith-so many are there that special names have been given them by common consent; there is "Popular" Smith, "Flankey" Smith, "Black Jim" Smith, "Slim Jim" Smith, "Wormey Smith, and ever so many more that one is fairly overwhelmed at the magnitude of undertaking to recollect them all.

The "Marion House," an elegant room; hotel of 16 rooms, capacity 50 people, with good table, is kept here by Dr. T. P. Marion, formerly of Leake, Scott and Rankin. The Doctor is a wide awake citizen and is doing his part to bring Poplarville to the front. Success to him, G. D. B.

An Excellent Selection.

Memphis Appeal.]

The CLARION nominates the Hon. O. R. Singleton for Speaker of the next House. An excellent selection.

"I know of no position more impregnable, and upon which it is more important for the Democratic party to form its line, than that public property cannot be taken for private use under any pretext."-Thomas F. Bayard.

Charity That Began Abroad.

Chicago Times.]

The Tewksbury horrors accumulate, but it must not be forgotten that Senators Hoar and Dawes have done a good deal to ameliorate the condition of the

No Mortgage on His Crop. Water Valley Progress.]

We noticed an unusual sight in our town this week: A wagon load of nice country bacon for sale. Our word for it-the man that brought that load of

A Storm House.

meat to market, has no mortgage on his

Enterprise Courier.]

Gen. J. W. O'Ferrall has constructed a "storm house," a hole in the ground, where he and his family propose to take refuge in time of danger. Others will

No Better Man.

Lexington Advertiser.

Dr. S. S. Carter, of this county, has been appointed by the Governor as one of the seven Commissioners to be sent by Mississippi to the Louisville Exposition.

EDITORS CLARION-At a meeting of the State Teacher's Association in this City, on the 2d inst., it was resolved that the next meeting of the Association be on the 27th of December of the

given in due season. J. A. SMITH, Chr'm Executive Committee.

SUPREME COURT DECISIONS.

REPORTED WEEKLY BY C. C. CAMPBELL.

Monday, June 4, 1883. The following cases were Affirmed: 4052-Jessie Smith, et al. vs. E. Richard-4187-B. E. Bourland vs. Itawamba

county. 4316—R. E. Tweedie et al. vs. Robert Hibler Sr. et al. 4345-John O'Conner, vs. Ann Ward et

The following cases were Reversed and

4038-W. H. Ford vs. A. H. Somerville, 4258-E. L. Hussey vs. Mary A. Hus-4262—C. St. L. & N. O. R. R. Co. vs.

Geo. D. Abels. 4328—J. T. Nolen, vs. J. L. Williams. 4333—Sam'l Kelly vs. D. R. Wagner. Remanded to docket and continued.

SUPREME COURT REPORTS. April Term, 1882.

REPORTED WEEKLY BY ROBT. SHOTWELL.

A. L. PERKINS,

VS. CHICAGO, ST. LOUIS & N. O. R. R. Co. Appeal from the Circuit Court of Madison county, Hon. S. S. Calhoon,

On the 3rd day of November, 1881, the appellant purchased a ticket from the appellee and on the same day took passage on freight train on appellee's railroad from Jackson to Madison Station. The train stopped at Madison Station, the engine being opposite the Station and the conductors caboose in which appellant was riding was something over a hundred yards from the platform of the Station. No announcement was made by the conductor or any of the railroad employes that Madison had been reached. After

the train had thus stood some time, pulled out, failing to stop as caboose passed the station, and appellant having continued in conductor and demanded that she be tor stopped the train and offered to carry that it was impossible for him to push back to Madison as his train was heavily loaded and a passenger train in his rear.
The conductor was polite throughout, and
while conversing with the appellant
was on top of the train holding a was on top of the train holding a 2. Depositions in suits at law cannot brake to steady the train. Appellant be noticed by this court unless contained Montgomery's crossing mile north of the station. She remained there some time until a conveyance could be procured and went to her home. She brings this suit against the Railroad for \$15,000 damages. The Court below instructed the jury that the facts in the case did not constitute gross negligence, and if they believed from the evidence that plaintiff took passage upon a freight train merely, then the defendant would be liable only for gross negligence. The jury found a verdict for the defendant and plaintiff appealed. R. C. Smith and R. Shotwell for the

appellant.

W. P. & J. B. Harris, contra,

Campbell, C. J.,

Held-

Where, in an action by a passenger against a railroad company for injuries received as such passenger, it is shown that the train on which plaintiff was a passenger was a freight train, not intended for both passengers and freight, the plaintiff must show gross negligence on the part of the servants of defendant before a recovery can be had in view of § 1054, Code 1880, which provides that, "for injury to any passenger upon any freight train not being in-tended for both passengers and freight, such company shall not be liable except for gross negligence or carelessness of its servants.

A train which is strictly a freight train with only the appliances of such cannot be said to be intended for both passengers and freight even though all persons are permitted to become passengers by entering the conductor's caboose. Affirmed.

(To be reported.)

LINDER BARBEE,)

M. C. REESE.

Appeal from the Circuit Court of Yalabusha county. Hon. W. S. Featherston, Judge.

In April, 1881, the appellant, a mar-ried woman, far advanced in pregnancy, while sitting in her own home near an open window fronting the public street, was assaulted by the appellee who was in a state of intoxication, and who with a drawn pistol advanced across the street cursing and threatening to shoot the appellant and into appellant's house. The husband of appellant was absent at this time, and being unprotected she fled from home to escape the threatened danger. In the hurry of her flight she climbed a fence inclosing her home and in getting down on the opposite side. jumped or fell a distance of some three feet. Three days after this she was delivered at great danger of her life, and after long and excruciating suffering of a dead child, which, from the testimony current year. Further information as of the attending physician had been to programme of exercises, etc., will be dead two or three days. The forms was alive after the assault by the appellee and the evidence leaves scarcely a doubt

that it was killed by the fright or exertion of the mother caused by the attack upon her. This suit is by the woman to recover damages from her assailant. The instructions to the jury in the lower court correctly announced the law, but the jury found a verdict for the defendant. From which plaintiff appealed. It is insisted by appellee that the ver-dict ought to stand, as in no event cam

plaintiff recover more than nominal FitzGerald & Whitfield for appellant. R. H. Golladay, contra,

COOPER, J.

In the evidence the appellant ought to recover for more than nominal damages, but what that amount may be is uncertain because of the character of the injuries inflicted, but we must presume that it will be proportionate to the damage, in which case it will be by no means a nominal recovery. It is apparent that injustice has been done and appellant is awarded a new trial. Re-

[To be reported.]

JOHN L. GIEGOLT,

J. S. Joor.

Appeal from the Circuit Court of Shar-key county, Hon. B. F. Trimble,

Appellant sued the Sheriff (appellee) in the court below for damages for having sold his two exempt mules under execution. He notified the Sheriff generally of his claim for exemption, but did not select his exemption than the did not select his exemption, there being several mules. The court below gave judgment for defendant and plantiff appealed. It no where appears in the record in this court that plantiff was an exemptionist or even a resident of the State except from his own deposition, and this is embodied in the record proper and not in the bill of exceptions. and not in the bill of exceptions.

Leigh Clark for the appellant. Miller & Hirsh and Nugent & McWil-

lie, contra. CHALMERS, J.,

1. Whether, the defendant in execution is the owner of more personal propconductor's caboose sent for the erty than is by law exempt to him, and conductor and demanded that she be the officer not knowing which portion taken back to the station. The conducthe whole, must the debtor point out the the appellant to Canton, but declared particular portion he desires to preserve, or is it sufficient that he notifies the officer generally that he claims an exemption, and can be thereafter hold him personally liable if he sells the whole,

ask the gentleman from Jones if his constituents were also honest. Hon. Mr. Bynnm lest no time in bearing testimony as to the honesty of his people; then said Judge | One thing will strike the strangers here. | One thing will strike the stran about a referred to in the bill of exceptions.

(To be reported.)

NEWS AND NOTES.

At Montgomery, Ala., J. T. Rapier, olored, member of the Forty-third Congress, and for the last three years internal revenue collector of this district. died on 31st of May, of heart disease and consumption.

Gen, G. H. Buell, United States army, died at Nashville May 31st, from the effects of an operation performed on his iaw-bone some three weeks since, combined with heart disease.

The Senate of Massachusetts has passed a bill abolishing the payment of a poll tax as a prerequisite for voting.

At Macon, Ga., June 1, John Bailey and Henry Wimbish, negroes, were hung in the presence of a tremendous crowd. Both confessed their crimes.

It is said the President has determined to reduce the number of internal-revenue districts throughout the country from 125, the present number, to 96, abolishing a large number of superfluous offices.

At Boston, May 31, Bartholomew W. Nelson, 22 years old, murdered his wife, and then attempted suicide.

At Atlanta, Ga., May 31, Joe Nall, Assistant Postmaster, failing to make good his deficit of \$8,000 was arrested.

The Clarion Twenty-Six Years ago.

A friend has just handed us a copy of . THE CLARION dated at Paulding, August 8, 1857. There are but few papers of this day that are as large and as well filled as the old Eastern CLARION-nine broad columns something under six feet in length, and well filled, too. It contains the Democratic State ticket, headed by Wm. McWillie, of Madison, for Governor, and A. G. Brown for U. S. Senator; L. Q. C. Lamar, for Congress from first District, and O. R. Singleton from fourth District, and W. M. Hancock for Judge of the 8th Judicial District. It contains announcements for county officers for several different counties over the State, and among them that of Joseph Pool for Representative from Jones .- Ellisville Eagle,

Seconds the Nomination.

Canton Picket.]

THE CLARION nominates Hon. O. R. Singleton for next Speaker of the House. With all our heart we second the nom-

Seconds the Motion.

Meridian Observer.]

THE CLARION puts in nomination O. R. Singleton, of Mississippi, for Speaker. We second the motion!